



Front Country Trails Multi-Jurisdictional Task Force

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AGENDA DATE: June 6, 2007

TO: Front Country Trails Multi-Jurisdictional Task Force

FROM: Claude Garciacelay, Park Planner, County of Santa Barbara
Kathy Frye, Natural Areas Planner, City of Santa Barbara
Jeff Benson, District Recreation Officer, Los Padres National Forest

SUBJECT: Trails Planning and Policy, Trail Easement Acquisition and Use
Permits and Regulation

RECOMMENDATION: That the FCT Multi-Jurisdictional Task Force (Task Force) receive a presentation on current trails planning and policy, trail easement acquisition and use permits and regulation.

DISCUSSION:

Introduction

The purpose of this staff report is to continue to outline and review the Task Force Work Plan topic of Existing Conditions. This topic is comprised of several categories that are being covered over four consecutive months during the April, May, June and July Task Force meetings. The Existing Conditions discussion for this report includes the following categories:

- Trails Planning and Policy
- Trail Easement Acquisition
- Use Permits and Regulation

This staff report provides a brief discussion and background information on the existing adopted plans, policies and processes that guide the administration and management of the front country trails within the jurisdiction of the Los Padres National Forest (LPNF), County of Santa Barbara (County) and City of Santa Barbara (City).

Trails Planning and Policy

The three agencies typically share information to make sure that there is consistency and connectivity to trails planning and proposals that cross jurisdictional boundaries. Staff from the three agencies have the opportunity to comment on the drafts of trails

planning documents that are generated by the respective agencies through community planning processes, and through the creation and updates to general plans, comprehensive plans, the forest plan, and other planning proposals.

1. *Los Padres National Forest:* The Los Padres National Forest (LPNF) Land Management Plan (2005) will provide strategic management direction for the 1.78 million acres of LPNF for the next 10 to 15 years. It is the guiding document for LPNF trails planning. The purpose of the land and resource management plan is to articulate the long-term vision and strategic management direction for the LPNF and to facilitate the development of management activities that will contribute to the realization of the National Forest's desired conditions. The desired resource conditions, including recreation, are identified in the Forest Plan. The Forest Plan defines the parameters (limits) for management, but offers the flexibility to adapt decisions to accommodate rapidly changing resource conditions.

It is important to understand that the plan is entirely strategic. It does not make project level decisions nor does it compel managers to implement specific actions or activities. Any changes made to existing uses or new proposals will be determined at the project level according to requirements of the National Environmental Policy Act (NEPA).

Managers will work from within this strategic framework as they make decisional and propose site-specific projects that are designed to incrementally move the LPNF toward the desired conditions. Project decisions must be consistent with the strategic direction, or the plan must be amended. A summary of the plan can be found at <http://www.fs.fed.us/r5/lospadres/projects/lmp/>.

The LPNF Land Management Plan provides the following direction related to trails:

Land Management Plan Strategy:

- Trails planners emphasize providing loop trails and connecting trails to enhance trail opportunities and minimize resource damage.

Sustainable Use and Environmental Design:

- Manage visitor use within the limits of identified capacities.
- Implement Adaptive Mitigation for Recreation Uses in existing and new recreation sites and uses whenever a conflict between uses or sensitive resource is detected.

Transportation System – Improve Trails:

- Develop an interconnected, shared-use trail network and support facilities that complement local regional and national trails and open space, and that also enhance day-use opportunities and access for the general public.
- Construct and maintain the trail network to levels commensurate with area objectives, sustainable resource conditions, and the type and level of use.
- Consider conversion of suitable unclassified roads and trails, and other roads that meet the need for trail-based recreation.

- Consider incorporation of unclassified trails to the National Forest System of trails when site-specific trail analysis determines there is a public need for the trail and it is consistent with other ecosystem needs.
- Maintain and/or develop access points and connecting trails linked to surrounding communities and create opportunities for non-motorized trips of short duration.

The LPNF Land Management Plan was presented to other public agencies in 2001, during the 90-day scoping period. The Land Management Plan can be amended for projects involving other agencies, such as the City and the County.

2. County of Santa Barbara: The County of Santa Barbara trail planning and policy basis can be found with the adoption of the County Comprehensive Plan (Comp Plan) in 1980. Contained within the Land Use Element of the Comp Plan is Park and Recreation Policy 4 that gives general direction with regards to trails and reads “Opportunities for hiking and equestrian trails should be preserved, improved and expanded wherever compatible with surrounding uses.” Along with this general guiding policy, a series of county wide maps were adopted called Parks, Recreation and Trails maps (PRT maps).

These planning maps represented years of planning process and public involvement to identify existing trails and recommend proposed trail corridors in a comprehensive manner. The geographic area of the Front Country Trails is contained within portions of PRT-2 and PRT-3. The PRT maps include existing and proposed trails within County, as well as City and Forest Service areas, to assure that planning addresses the connectivity of existing and future trail systems. Attachment 1 includes PRT maps.

The adoption of the PRT maps in 1980 for the first time provided the requirement that, to be compliant with the comprehensive plan, trail access would be considered as part of the land use processing of proposed projects within County jurisdiction.

Community Plans and Area Plans

Subsequent to the adoption of the Comp Plan, the County approved a series of updated Community Plans and Area Plans that covered the full range of topical elements including Parks Recreation and Trails planning within defined geographical areas. The adoption of these Plans (Summerland and Montecito in 1992; Toro Canyon in 2004) had the effect of updating the 1980 Comp Plan PRT maps within the defined geographic area of these new Plans. However, no new proposed trails leading to the National Forest were added with the adoption of the Community or Area Plans beyond those proposals that existed in the original Comp Plan PRT maps within the area of focus of the Task Force.

The Community and Area Plans contain additional goals, policies, development standards and action items with regard to parks, recreation and trail issues within the defined communities and areas. The PRT sections from these plans are included as Attachments 2 and 3.

3. City of Santa Barbara: The majority of City trails are associated with neighborhood and community parks, bikeways and coastal access, due to the urban and coastal nature of the City. Direction for riding and hiking trails can be found in the Land Use Element (amended 1995) of the City of Santa Barbara General Plan. The General Plan map identifies existing and proposed park and open space areas but does not specify trails within those locations, with the exception of coastal access and transportation bikeways. The Parks and Recreation (P&R) Element, a section of the Land Use Element, states that “the primary objective of a trail system should be the provision of trails leading from residential areas of town up to the foothills and down to the beaches.” The Land Use Element and associated Parks and Recreation Facilities and Programming Master Plan (Master Plan; Revised 1985) recognize that major drainage channels are associated with or provide future opportunities for trails and the ability to link the ocean and mountains. The P&R Element states that “opportunities to link together park facilities, historical sites, and riding and hiking trails should be grasped as they occur” and efforts should be made to set aside these natural areas not only for the trails and recreation they provide, but also for the preservation of open space. The P&R Master Plan recognizes that the greatest need is a coordinated effort between all government agencies and private groups in the development and maintenance of trails to help keep trails open to hikers and riders that use them daily.

Subsequent to the adoption of the General Plan, the City approved or is currently reviewing various Specific Plans and Master Plans that include provisions for trails. Once again, these trails are primarily associated with urban areas, but may provide connection to FCT. For example, the Draft Pedestrian Master Plan (2006), Policy 1.6, states that “the City shall support the establishment and construction of urban trails to enhance circulation and provide recreational opportunities through parks and open spaces”.

Trail Easement Acquisition

1. Los Padres National Forest: There have been no easement acquisitions for trails on the Santa Barbara Ranger District since the 1960's. There are access issues that may need to be resolved. However, they have not been evaluated or determined that the Forest Service will pursue easements to resolve the issues. If the Forest Service was to pursue easements to resolve forest access issues, easement acquisitions will be dependant upon necessary resources (i.e. Budget, Planning staff, NEPA). Future easements will require willing grantors and, most likely, outside funding sources.

The LPNF Land Management Plan provides the following strategy related to trail easement acquisition:

- Access to the national forest is acquired where needed for administrative and public use through purchase, exchange, easements, and rights-of-way. Program emphasis will be on the development and maintenance of

roads and trails systems that address access issues and minimize conflicts with private landowners.

2. County of Santa Barbara: The adopted Parks, Recreation and Trails maps (PRT-maps) of the Comprehensive Plans and Community Plans delineate a planning proposal for a trail system within the urban and mountain area of the south coast. One form of potential acquisition is the exaction of trail easements as part of the land use permit process. As part of County review of major development proposals, parcels that have a mapped proposal for a trail corridor on the adopted PRT maps may be subject to condition to dedicate a trail easement if a nexus can be established between the proposed project and the impact generated. Such exactions typically occur with major proposals such as subdivisions. These exacted trail easements may be developed or in some cases may be “banked” or reserved until such a time that additional easements are acquired and it is determined that a useable trail segment can be developed for use.

The County has also received easements for trails over private properties through voluntary dedications or bequeathals from private landowners. Though these types of dedications are more rare, a recent example of this is the voluntary dedication of a portion of the easement for the Franklin Trail that served to complete continuous public ownership of the trail from the City of Carpinteria to the LPNF. Lastly, the County through its eminent domain powers could require the dedication of easements, though there is no precedent for this kind of action.

Easements may be dedicated or transferred to the public either by a dedication through the recordation of a subdivision map or by grant of easement. Attachment 4 illustrates a standard form for a Grant of Trail Easement dedication.

3. City of Santa Barbara: The P&R Element of the City's General Plan calls for the acquisition of property for parks and recreation use, although sufficient funds for suggested acquisitions are often not available. Some of the methods that have been used to acquire park, recreation, open space and/or trail land include the following: General Funds; Gifts; Public and Private Foundations or Trust; Land Exchange; Condition of Approval; and Development Rights.

General Fund resources for acquisition are rare, although maintenance may be paid for out of the City's General Fund. Gifts in the form of donations of land from individuals, family trusts and community organizations have provided over 700 acres of park land, some of which includes trails. According to the P&R Master Plan, the City shall conduct a maintenance and or recreational service impact study to determine the feasibility of acquisition or donation of land. Parma Park, provided by the Parma Family Trust, is an example of a gift from a private foundation.

Trails may be acquired in exchange for approval of special development privilege with conditions of subdivision approval. The preservation of open space or trails may also occur with an easement whereby the ownership of the land remains private and the land owner is responsible for taxes and maintenance, although the City retains the right to make decisions concerning the development of the property, including trail use or

development. In that case, the City zoning is often changed to PR to reflect the park, recreation or open space use. Easements may be dedicated or transferred to the public either by a dedication through the recordation of a subdivision map or by grant of easement.

The Santa Barbara Municipal Code (SBMC) Title 22, Zoning Ordinance, Chapter 22.07, Covenants of Easement (Attachment 5), and Chapter 27.05, Dedications and Reservations (Attachment 6), provide specific language regarding easements and City parks, open space or trails. The Draft Pedestrian Master Plan, Appendix G (2006), includes recommended revisions to the City Municipal Code language, including language related to the dedication of a public right of way or trail easement.

The City has interest in foothill trails outside of the City Limits via land granted to the City in 1905 for watershed protection. The US Forest Service provides fire protection and maintenance on trails associated with those Water Division lands for which it has easements from the City, such as Cold Spring, West Fork Cold Spring, Rattlesnake and Tunnel trails.

Use Permits and Regulation

1. *Los Padres National Forest:* The Forest Service requires special use permits for any activity that is of a commercial nature, involves a group of 75 or more people, or involves activities that may have a potential adverse impact to the environment. Permits are issued at the ranger district level (District Ranger) or at the forest level by the Forest Supervisor. All proposed special use activities or events are evaluated for environmental concerns by the NEPA process prior to approval and permit issuance.

The following may acquire a special use permit:

- Individuals
- Business entities
- Corporations
- Partnerships
- Associations
- Municipalities
- Agencies of local, State or Federal governments

There are many types of recreation permits. The types that are common on the Santa Barbara Ranger District are:

- Recreation Events
- Outfitter Guides
- Group Events

Three or four recreation event permits operating on trails are issued each year on the Santa Barbara Ranger District. There are currently no outfitter guide permits for operations on Santa Barbara District trails.

Special use permits are classified as commercial or non-commercial:

- Commercial permits are issued for any activity where fees are charged and money is collected that is above and beyond the cost of the activity. An activity is considered commercial anytime a profit is made.
- Non-Commercial permits are issued for activities where money or fees collected are used only for the cost of the event and no profit is made by anyone.

Special Use Permit Fees. Fees are charged for all special use permits. Fee policy is set by the Washington Office and the method used for determining fees is based upon the type of use or activity. Permit fees generally total several hundred dollars. Recreation special permit fees are generally forwarded to the U.S. Treasury and do not stay in the LPNF.

- Commercial permit fees for outfitter guides or recreation events fees are based upon a percentage of gross receipts (usually 5%). Gross receipts are derived statements from the permittee.
- Non-commercial recreation event permits have a minimum fee of \$35.
- Fees can be waived for school groups or permits for educational purposes.

2. County of Santa Barbara: Use permits for on going operations by outside entities within recreation areas managed by County Parks, whether for profit or non profit, are managed through concession leases. These leases are negotiated agreements on a case by case basis and require the approval of the Board of Supervisors. Special use permits on County recreation areas are typically a “one time event or occurrence” and generally only require approval by the Director of Parks. Trails are included in the definition of recreation areas, but to date no requests for use permits have been reviewed or granted.

Rules and Regulations for county recreation areas including trails can be found in the Santa Barbara County Code, Chapter 26. The rules and regulations establish the authority of the County, Director of Parks and staff to manage county recreation facilities. Trail specific regulations can be found in Sections 26-126 through 26-131 that deal specifically with encroachments on trails and recreational easements.

3. City of Santa Barbara: The Santa Barbara Municipal Code (SBMC) Title 28, Chapter 28.37, PR – Park and Recreation Zone (Attachment 7), provides the mechanism for the protection of parks, open space and trails within the City. Definitions, permitted uses, procedures and review are spelled out in the SBMC. Trails are identified as “a passageway for hikers, equestrians and/or bicyclists.” Parks are designated into

categories based upon use, with trails an allowable use in all City park categories. The uses of individual trails are determined by the Parks and Recreation Director.

The Parks and Recreation Commission review and may approve, conditionally approve or deny applications for park designation based upon the required findings. Decisions by the Park and Recreation Commission or the Planning Commission are appealable to the City Council. In some cases, the Parks and Recreation Commission and Planning Commission make recommendations on designations to the City Council.

Most applications for public use permits with the Parks and Recreation Department are associated with developed parks, such as a permit for the use of alcohol with a park or facility rental. As stated by the County, trails are included in the definition of recreation areas, but to date no requests for use permits have been reviewed or granted.

- ATTACHMENTS:**
1. County PRT-1 & PRT-2 Maps
 2. Montecito Community Plan – PRT Section
 3. Toro Area Plan – PRT Section
 4. Grant of Trail Easement – Standard Form
 5. SBMC, Title 22, Zoning Ordinance, Chapter 22.07, Covenants of Easement
 6. SBMC, Title 27, Zoning Ordinance, Chapter 27.05, Dedications and Reservations
 7. SBMC, Title 28, Zoning Ordinance, Chapter 28.37, PR – Park and Recreation Zone

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